

REMARKS

Applicants respectfully request reconsideration of this application in view of the foregoing amendments and the following comments.

I. Objection to Drawings Under 37 C.F.R. 1.83(a)

On page 2 of the Office Action, the drawings were objected to under 37 C.F.R. 1.83(a). Specifically, the Examiner stated that the "center of mass 11 is not identified in Figure 1 as stated in the specification, page 4, line 9," and "C6 in Figure 4 should be CG as called out in the specification, page 6, line 5 and 13."

In response, Applicants have amended the specification and the drawings to correct the inconsistencies identified by the Examiner. The specification has been amended to delete the numerical reference (11) to the center of mass in Figure 1. In addition, Figure 4 has been amended to correctly label the portion of the drawing identified as CG in the specification.

Accordingly, the objection to the drawings under 37 C.F.R. 1.83(a) should be withdrawn.

II. Objections to the Specification

On page 3 of the Office Action, the Examiner raised objections to the specification based on inconsistencies within the description and the use of metric system

units. Specifically, the Examiner stated that the "term Ixx should be Iyy" when describing "a moment of inertia about the heel/toe axis 28," as described on page 4, line 24 of the specification. The Examiner also objected to the inconsistency in the use units to describe the moment of inertia in the specification and the claims stating that the "Applicant is required to be consistent in description and use of Units." In addition, the Examiner objected to the description stating that the "description fails to meet the requirement for the use of metric system units of measurements in patent applications" under MPEP 608.01, Page 600-58, Column 2, 3rd paragraph.

In response, Applicants have amended the specification to correct the inconsistencies identified by the Examiner. The specification now correctly identifies the moment of inertia about the heel/toe axis 28 as Iyy, and the specification, as well as claims 20 and 21, now correctly disclose the moment of inertia in kilograms millimeters squared (kg-mm²).

Applicants note that the application includes values for moments of inertia defined in "kilograms millimeters squared." Section 608.01, Page 600-58, of the MPEP states, in pertinent part, "all patent applications *should* use the metric (S.I.) units followed by the equivalent English units when describing their inventions in the specification of patent applications." (emphasis added). This provision does not require applications to include both the metric and English units of measurement nor does it require the use of SI units of the metric system, as the MPEP only states that applications "should" use both. Thus, although the metric SI units of measurement for weight and length are Kilograms and meters, respectively, applicants are not required to use the SI unit, nor are they required to include the English units of measurement.

Applicants have also made additional amendments to the specification to correct minor typographical errors.

Accordingly, the objections to the specification should be withdrawn.

III. Rejection of Claim 26 Under 35 U.S.C. § 112

In paragraph 4 of the Office Action, claim 26 was rejected under 35 U.S.C. § 112, second paragraph, stating that there was insufficient antecedent basis for the claim limitation "said plurality of weights" in line 2 of claim 26. In response, Applicants have amended claim 26 to recite "a plurality of weights," to provide proper antecedent basis for the limitation.

Accordingly, the rejection of claim 26 under 35 U.S.C. § 112, first paragraph is improper and should be withdrawn.

IV. Rejection of Claims under 35 U.S.C. §§ 102 & 103

In the Office Action, all of the claims were rejected under 35 U.S.C. 102(e) as allegedly anticipated by, or, in the alternative, under 35 U.S.C. 103(a), as allegedly obvious over, U.S. Patent Application No. 2002/0006836 to Helmstetter et al. (the "Helmstetter '836" application), in view of a combination of U.S. Patent No. 5,851,160 to Rugge et al. (the "Rugge" patent), U.S. Patent No. 6,364,788 to Helmstetter et al. (the "Helmstetter '788" patent), and U.S. Patent No. 3,941,390 to Hussey (the "Hussey" patent).

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All of the rejections rely on the Helmstetter '836 application, filed on February 27, 2001, as the primary reference.

In response, Applicants submit declarations under 37 C.F.R. § 1.131 of the inventors, Todd P. Beach, David Anderson, and Benoit Vincent, attached herewith. The Declarations establish that the claimed invention was conceived and reduced to practice prior to the effective filing date of the Helmstetter '836 application. Accordingly, the rejection of the claims under Section 102 and Section 103 are now moot and should be withdrawn.

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V. Conclusion

The foregoing remarks should place this application in condition for allowance. If any matters remain outstanding after consideration of this Amendment that the Examiner believes might be expedited by a telephone conference with Applicants' representative, the Examiner is respectfully requested to call the undersigned attorney at the number indicated below.

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Respectfully submitted,

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